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BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			EXAMINER VAN DOREN, BETH	
			ART UNIT 3623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/690,566

Applicant(s)

LILLY ET AL.

Examiner

Beth Van Doren

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-13,15-19,22-30 and 32-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-39 is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-13,15,16,19,22,23,25-30,32,33,40-43 and 45-47 is/are rejected.
- 7) ☒ Claim(s) 6,17,18,24 and 44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. The following is a non-final Office Action in response to communications received 09/19/07. Claims 1, 19, and 40 have been amended. Claims 2-3 and 20-21 have been amended. Claims 1, 4-13, 15-19, 22-30, and 32-47 are pending.

Response to Arguments

2. Examiner has gone non-final to correct certain claims with respect to the term “line item order” and where this limitation is taught.

3. Applicant’s arguments with regards to the rejections based on Powell (U.S. 6,195,590) and Powell in view of Chapman (U.S. 5,128,860) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that Powell does not teach or suggest (1) measuring customer service impact through use of a customer line item order or (2) performing of at least one material limitation inquiry on the subset of line item orders to identify a cause of the customer service measurement indication delay (as per claim 43), and that Powell in view of Chapman do not teach or suggest (3) using customer line item orders as a basis for measuring customer service, and that examiner fails to provide a source of the common knowledge as per MPEP 2144 and 2144.03, (4) a customer service measurement value that is based on a measurement comprising a monetary value or a value that is a combination of time and money, which can be reported and displayed and subjected to statistical analysis, or (5) that a computer implements the deriving of the claims, not a real life person as in Powell.

In response to argument (1), Examiner points out that she did not assert that Powell taught measuring customer service impact through use of a customer line item order. Rather,

Examiner asserted that “deriving a customer service measurement for each **selected item order** based on said comparing, the customer service measurement comprising a measurement of at least one of money and a combination of time and money” was taught in at least column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, and column 6, lines 25-55, wherein a measurement of earliness or lateness is derived based on time, and wherein cost and money are considered when determining if changes should be made to improve the project meeting the original baseline schedule. She further asserted that since Powell discloses scheduling an order for manufacturing and since it is old and well known in the art that orders are manufactured based on requests from individual customers who require such items, it would have been obvious to one of ordinary skill in the art at the time of the invention to include that the orders are received from individual customers in order to more efficiently allocate resources to meet the demand of the customers in the market. Examiner maintains this rejection.

In response to argument (2), Examiner respectfully disagrees. Powell teaches in at least column 5, lines 13-15, wherein limitations or constraints that affect the schedule of the order are considered. A beginning of an activity is constrained by completion of another activity, where the activities have associated resources and resource utilization. Therefore, the delta value is analyzed in order to perform a material limitation inquiry on the subset item orders to identify a cause of the customer service measurement indication delay. See specifically column 1, lines 62-67, column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, wherein each order has a scheduled completion date and wherein the order is selected to determine the delta value, or the value representing whether the order is early or late with regards to the schedule.

In response to argument (3), Applicant has attempted to challenge the Examiner's taking of Official Notice in the previous office action. A challenge, to be proper, must contain adequate information or arguments so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice. In this case, Applicant has not provided adequate information or arguments so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice. Applicant has merely stated that "Examiner fails to provide a reference to a source of common knowledge that provides the requisite teaching, suggestion, or motivation to modify [the references]" on page 16 of the remarks. This is not adequate to shift the burden to the Examiner to provide evidence in support of the Official Notice. Therefore, the presentation of a reference to substantiate the Official Notice is not deemed necessary. The Examiner's taking of Official Notice has been maintained.

In response to argument (4), Examiner points out that the claims recite "deriving a customer service measurement for each selected item order based on said comparing, the customer service measurement comprising a measurement of at least one of money and a combination of time and money". There is no explicit recitation of reported and displayed and subjected to statistical analysis. Powell does teach and suggest in at least column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, and column 6, lines 25-55, that a measurement of service is based on earliness or lateness and is derived based on time, and wherein cost and money are considered when determining if changes should be made to improve the project meeting the original baseline schedule. Therefore, Powell does teach and suggest the limitation.

In response to argument (5), Examiner points out that independent claims 1, 34, 35, 40, and 43 recite "computer-implemented method" in the preamble, but do not expressly recite what

limitations in the body of the claim are expressly computer-implemented or what computer functionality is utilized in the body of the claim. For a method to be computer implemented, merely one feature or limitation in the body of the claim must be computer-implemented (and not the whole claim). Therefore, it is not required in claims 1, 34, 35, 40, and 43, or their dependents, that the deriving step be computer implemented.

As for independent claims 19, 37, and 38, these claims recite a “measurement subsystem for deriving a customer service measurement”. Powell does teach use of a computer in at least figures 2 and 3, which show the system for controlling and allocating resources. The project manager of the system uses a primary computer and a number of linked secondary computers to perform the invention. See at least column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, and column 6, lines 25-55. See column 7, lines 35-50, which explains for the information flows between the computers. Thus, the customer service measurement is derived, representing earliness or lateness and cost considerations, using the computer based system.

4. Applicant’s arguments with regards to the rejections based on Powell in view of Kleinfeld (*Engineering Economics*) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that (6) Kleinfeld does not teach or suggest a customer service measurement based on a combination of time and value of a line item order.

In response to argument (6), Examiner notes that Powell, Chapman, and Official notice were relied upon to teach this limitation and not Kleinfeld. Therefore, applicant should see the response to arguments outlines above.

Allowable Subject Matter

5. Claims 34-39 are allowed.
6. Claim 6, 17, 18, 24, and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Further, if the elements of claim 17 were added to claim 19, claim 19 would be considered allowable. Examiner reserves the right to update her search.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 40-41, 43, and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell (U.S. 6,195,590).

As per claim 40, Powell teaches a computer-implemented method for determining customer service impact, comprising:

Receiving item orders, each having a requested completion date (See column 1, lines 62-67, column 2, lines 17-30, column 3, lines 1-3 and 60-67, wherein items ordered have dates established as required completion dates);

scheduling a scheduled completion date for each item order (See column 1, lines 62-67, column 2, lines 17-30, column 3, lines 1-3 and 60-67, wherein a completion date is scheduled for each order/event);

selecting at least one item order, each item order having a scheduled completion date (See column 1, lines 62-67, column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, wherein each order has a scheduled completion date and wherein the order is selected to determine the delta value, or the value representing whether the order is early or late with regards to the schedule);

comparing the scheduled completion date with the requested completion date for each selected item orders (See column 1, lines 62-67, column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, wherein each order has a scheduled completion date and wherein the order is selected to determine the delta value, or the value representing whether the order is early or late with regards to the schedule);

deriving a customer service measurement for each selected item order based on said comparing, the customer service measurement comprising a measurement of at least one of money and a combination of time and money (See column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, and column 6, lines 25-55, wherein a measurement of earliness or lateness is derived based on time, and wherein cost and money are considered when determining if changes should be made to improve the project meeting the original baseline schedule).

However, Powell does not expressly disclose that the received orders are line item orders for an individual customer requested product for purchase.

Powell discloses scheduling an order for manufacturing. It is old and well known in the art that orders that are manufactured based on requests from individual customers who require such items. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include that the orders are received from individual customers in order to more efficiently allocate resources to meet the demand of the customers in the market.

As per claim 41, Powell discloses wherein customer service measurement includes the amount of time difference between the requested completion date and a scheduled completion date multiplied by the value of the item order (See column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, and column 6, lines 29-31, wherein a measurement of earliness or lateness is derived based on time. See column 6, lines 30-40 and line 55-column 7, line 15 and 25-45, wherein the value (or cost) is amplified with respect to the measurement). However, Prowell does not expressly disclose line item orders.

Powell discloses scheduling an order for manufacturing. It is old and well known in the art that orders that are manufactured based on requests from individual customers who require such items. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include that the orders are received from individual customers in order to more efficiently allocate resources to meet the demand of the customers in the market.

As per claim 43, Powell teaches a computer-implemented method for determining customer service impact, comprising:

receiving customer item orders, each having a requested completion date, wherein each customer item is an individual customer requested product for purchase (See column 1, lines 62-

67, column 2, lines 17-30, column 3, lines 1-3 and 60-67, wherein items ordered have dates established as required completion dates);

scheduling a scheduled completion date for each item order (See column 1, lines 62-67, column 2, lines 17-30, column 3, lines 1-3 and 60-67, wherein a completion date is scheduled for each order/event);

selecting at least one item order (See column 1, lines 62-67, column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, wherein each order has a scheduled completion date and wherein the order is selected to determine the delta value, or the value representing whether the order is early or late with regards to the schedule);

comparing the scheduled completion date with the requested completion date for each selected item order (See column 1, lines 62-67, column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, wherein each order has a scheduled completion date and wherein the order is selected to determine the delta value, or the value representing whether the order is early or late with regards to the schedule);

deriving a customer service measurement for each selected item order based on said comparing (See column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, and column 6, lines 29-31, wherein a measurement of earliness or lateness is derived based on time);

identifying a subset of item orders having a customer service measurement that indicates delay (See column 5, lines 18-21, wherein a user would use cited "identifying" function for above discussed delta value or customer service indicator or measurement which is subject to a delay. See column 6, lines 32-42); and

performing at least one material limitation inquiry on the subset of item orders to identify a cause of the customer service measurement indicating delay (See column 5, lines 13-15, wherein "beginning of an activity constrained by completion of another activity" indicating applying or performing "constraint").

However, Powell does not expressly disclose that the delay is what caused the customer service measurement to be greater than a predetermined threshold or line item orders.

Powell discloses a system that monitors operations and determines delays. Powell further discloses a customer service measurement based on a measurement of earliness or lateness. It is old and well known in scheduling arts to set a threshold above which events, such as delays, are unacceptable and a manager is notified. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include thresholds that indicate lateness in order to more efficiently notify a manager of a delay.

Further, Powell discloses scheduling an order for manufacturing. It is old and well known in the art that orders that are manufactured based on requests from individual customers who require such items. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include that the orders are received from individual customers in order to more efficiently allocate resources to meet the demand of the customers in the market.

As per claims 45-46, Powell teaches performing material limitation inquiries (as per claim 43). Therefore, with regards to claims 45-46, these claims do not occur when the "at least one of" material inquiry is performed.

As per claim 47, Powell discloses identifying a subset of item orders having a customer service measurement that indicates delay (See column 5, lines 18-21, wherein a user would use

cited "identifying" function for above discussed delta value or customer service indicator or measurement which is subject to a delay. See column 6, lines 32-42); and

performing at least one of material limitation inquiry on the subset of item orders to identify a cause of the customer service measurement indicating delay, wherein a resource is responsible for the delay (See column 5, lines 13-15, wherein "beginning of an activity constrained by completion of another activity" indicating applying or performing "constraint").

However, Powell does not expressly disclose that the delay is what caused the customer service measurement to be greater than a predetermined threshold or line item orders.

Powell discloses a system that monitors operations and determines delays. Powell further discloses a customer service measurement based on a measurement of earliness or lateness. It is old and well known in scheduling arts to set a threshold above which events, such as delays, are unacceptable and a manager is notified. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include thresholds that indicate lateness in order to more efficiently notify a manger of a delay.

Further, Powell discloses scheduling an order for manufacturing. It is old and well known in the art that orders that are manufactured based on requests from individual customers who require such items. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include that the orders are received from individual customers in order to more efficiently allocate resources to meet the demand of the customers in the market.

9. Claims 1, 4, 7-13, 15-16, 18-20, 25-30, and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell (U.S. 6,195,590) in view of Chapman (U.S. 5,128,860).

As per claim 1, Powell teaches a computer-implemented method for determining customer service impact, comprising:

Receiving customer item orders, each having a requested completion date, wherein each customer item is an individual customer requested product for purchase (See column 1, lines 62-67, column 2, lines 17-30, column 3, lines 1-3 and 60-67, wherein items ordered have dates established as required completion dates);

scheduling a scheduled completion date for each item order (See column 1, lines 62-67, column 2, lines 17-30, column 3, lines 1-3 and 60-67, wherein a completion date is scheduled for each order/event);

selecting at least one item order, each item order having a scheduled completion date (See column 1, lines 62-67, column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, wherein each order has a scheduled completion date and wherein the order is selected to determine the delta value, or the value representing whether the order is early or late with regards to the schedule);

comparing the scheduled completion date with the requested completion date for each selected item orders (See column 1, lines 62-67, column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, wherein each order has a scheduled completion date and wherein the order is selected to determine the delta value, or the value representing whether the order is early or late with regards to the schedule);

deriving a customer service measurement for each selected item order based on said comparing, the customer service measurement comprising a measurement of at least one of money and a combination of time and money (See column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, and column 6, lines 25-55, wherein a measurement of earliness or lateness is derived based on time, and wherein cost and money are considered when determining if changes should be made to improve the project meeting the original baseline schedule).

However, Powell does not expressly disclose that the received orders are line item orders for an individual customer requested product for purchase. Further, Powell does not expressly disclose and Chapman discloses wherein said comparing comprises:

generating a demand array of item orders (See column 3, lines 50-65, column 4, lines 35-60, and column 9, lines 45-50, wherein a demand array is created that conveys demanded items);

generating a supply array of manufacturing inventory (See column 3, lines 59-67, column 8, line 60-column 9, line 30, which discloses an array of the supply/resources available);

selecting an item order in the demand array (See column 4, lines 1-13 and 60-65, column 9, lines 45-55, column 10, lines 5-22, wherein an item is selected to which resources are assigned);

matching manufacturing inventory in the supply array with the selected item order (See column 4, lines 1-13 and 60-65, column 9, lines 45-55, column 10, lines 5-22, wherein an item is selected to which resources are assigned); and

comparing the scheduled completion date of an item in the supply array with the requested completion date for the matched item in the demand array (See column 4, lines 60-67,

column 8, lines 45-61, column 9, lines 19-32 and 45-50, and column 10, line 5-25, wherein the schedules are compared).

However, Chapman does not expressly disclose that the received orders are line item orders for an individual customer requested product for purchase.

Both Chapman and Powell disclose systems for improving scheduling in manufacturing systems where demands have time varying elements. Powell discloses scheduling an order and, using data stored in the system, comparing a completion and a requested completion date. Chapman discloses arranging the data of the system into arrays and then manipulating this data to schedule demand fulfillment in a manufacturing process. It would have been obvious to one of ordinary skill in the art at the time of the invention to use arrays to store and manipulate the data of Powell in order to more efficiently allocate and schedule resources by arranging the data using means that allow quicker evaluation of the data. See Chapman, column 2, lines 45-65 and column 5, lines 29-40.

Further, as discussed above, Powell discloses scheduling an order. It is old and well known in the art that orders that are manufactured based on requests from individual customers who require such items. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include that the orders are received from individual customers in order to more efficiently allocate resources to meet the demand of the customers in the market.

As per claim 4, Powell discloses wherein said deriving comprises:

deriving a customer service measurement for each item order based on said comparing, the customer service measurement comprising the value of the item order (See column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, and column 6, lines 29-31, wherein a

measurement of earliness or lateness is derived based on time. See column 6, lines 30-40 and line 55-column 7, line 15 and 25-45, wherein the value (or cost) is also considered with respect to the measurement).

As per claim 7, Powell teaches determining an overall customer service measurement based on the customer service measurement for each item order (See column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, and column 6, lines 29-31).

As per claim 8, Powell teaches reporting the overall customer service measurement as the overall customer service measurement for that scheduling operation (See column 5, lines 45-67, column 6, lines 40-55, column 7, lines 15-30, wherein reports are generated).

As per claim 9, Powell discloses displaying the customer service measurement on a calendar showing the total customer service measurement for a predetermined time period (See column 2, lines 55-column 3, line 10 and lines 60-67, and column 4, lines 1-15, wherein the customer service measurement is shown and considered when scheduling other orders and activities. See also tables 1-2).

As per claim 10, Powell discloses repeating said receiving, scheduling, selecting, comparing, deriving, and determining for different schedules to determine the customer service impact of schedule changes (See column 2, lines 1-6, column 4, lines 20-32, column 5, lines 30-42, wherein changes to the schedule are evaluated).

As per claim 11, Powell discloses determining a customer service measurement for based on the customer service measurement for each item order received (See column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, and column 6, lines 29-31, wherein a measurement of earliness or lateness of a product is derived based on time).

However, neither Powell nor Chapman expressly disclose a first and a second customer.

Powell discloses receiving and scheduling an order for manufacture. It is old and well known in the art that orders that are manufactured based on requests from individual customers who require such items. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include that the orders are received from individual customers in order to more efficiently allocate resources to meet the demand of the customers in the market.

As per claim 12, Powell teaches displaying the customer service measurement on a calendar showing the total customer service measurement for a predetermined time period (See column 2, lines 55-column 3, line 10 and lines 60-67, and column 4, lines 1-15, wherein the customer service measurement is shown and considered when scheduling other orders and activities. See also tables 1-2).

As per claim 13, Powell further comprising repeating said receiving, scheduling, selecting, comparing and determining for different schedules to determine the customer service impact of schedule changes (See column 2, lines 1-6, column 4, lines 20-32, column 5, lines 30-42, wherein changes to the schedule are evaluated).

As per claim 15, Powell discloses items, wherein data concerning the item is controlled by the system (See column 4, line 62-column 5, line 12, and table 1). Powell further discloses all the activities for all the components needed to complete the product (i.e. engineering, purchasing, fabrication, assembly) (See column 3, lines 54-57). However, Powell does not expressly disclose line items or generating a demand array or that the items are unshipped.

Chapman discloses generating a demand array of item orders (See column 3, lines 50-65, column 4, lines 35-60, and column 9, lines 45-50, wherein a demand array is created that conveys demanded items). However, Chapman does not expressly disclose line items.

Both Chapman and Powell disclose systems for improving scheduling in manufacturing systems where demands have time varying elements. Powell discloses scheduling an order and, using data stored in the system, comparing a completion and a requested completion date. Chapman discloses arranging the data of the system into arrays and then manipulating this data to schedule demand fulfillment in a manufacturing process. It would have been obvious to one of ordinary skill in the art at the time of the invention to use arrays to store and manipulate the data of Powell, such as demand data, in order to more efficiently allocate and schedule resources by arranging the data using means that allow quicker evaluation of the data. See Chapman, column 2, lines 45-65 and column 5, lines 29-40.

Further, Powell discloses all the activities needed to complete the product, such as engineering, purchasing, fabrication, assembly. It is well known in the art that completing a product for a customer includes delivery of said product. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include shipping in the activities needed to complete the product in order to increase customer service by including all the activities required to complete the order of the customer.

Further, Powell discloses scheduling an order for manufacturing. It is old and well known in the art that orders that are manufactured based on requests from individual customers who require such items. Therefore, it would have been obvious to one of ordinary skill in the art

at the time of the invention to include that the orders are received from individual customers in order to more efficiently allocate resources to meet the demand of the customers in the market.

As per claim 16, Powell does not expressly disclose and Chapman discloses wherein said generating a supply array comprises generating a supply array of at least one of inventory work orders and manufactured inventory (See column 3, lines 59-67, column 8, line 60-column 9, line 30, which discloses an array of the supply/resources available and assignable to work).

As per claim 19, Powell teaches a system for determining customer service impact, comprising:

a receiver for receiving item orders, each having a requested completion date (See column 1, lines 62-67, column 2, lines 17-30, column 3, lines 1-3 and 60-67, wherein items ordered have dates established as required completion dates);

a scheduler for scheduling a scheduled completion date for each item order (See column 1, lines 62-67, column 2, lines 17-30, column 3, lines 1-3 and 60-67, wherein a completion date is scheduled for each order/event);

a selector for selecting at least one item order, each item order having a scheduled completion date (See column 1, lines 62-67, column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, wherein each order has a scheduled completion date and wherein the order is selected to determine the delta value, or the value representing whether the order is early or late with regards to the schedule);

a comparator for comparing the scheduled completion date with the requested completion date for the selected item orders (See column 1, lines 62-67, column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, wherein each order has a scheduled completion date and

wherein the order is selected to determine the delta value, or the value representing whether the order is early or late with regards to the schedule);

a measurement subsystem for deriving a customer service measurement, the customer service measurement comprising at least one money and a combination of time and money, for each selected item order based on the comparison (See column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, and column 6, lines 25-55, wherein a measurement of earliness or lateness is derived based on time, and wherein cost and money are considered when determining if changes should be made to improve the project meeting the original baseline schedule).

However, Powell does not expressly disclose that the received orders are line item orders for an individual customer requested product for purchase. Further, Powell does not expressly disclose and Chapman discloses wherein said comparing comprises:

a first generator for generating a demand array of item orders (See column 3, lines 50-65, column 4, lines 35-60, and column 9, lines 45-50, wherein a demand array is created that conveys demanded items);

a second generator generating a supply array of manufacturing inventory (See column 3, lines 59-67, column 8, line 60-column 9, line 30, which discloses an array of the supply/resources available);

a selector for selecting an item order in the demand array (See column 4, lines 1-13 and 60-65, column 9, lines 45-55, column 10, lines 5-22, wherein an item is selected to which resources are assigned);

a matching subsystem for matching manufacturing inventory in the supply array with the selected item order (See column 4, lines 1-13 and 60-65, column 9, lines 45-55, column 10, lines 5-22, wherein an item is selected to which resources are assigned); and

a comparator for comparing the scheduled completion date of an item in the supply array with the requested completion date for the matched item in the demand array (See column 4, lines 60-67, column 8, lines 45-61, column 9, lines 19-32 and 45-50, and column 10, line 5-25, wherein the schedules are compared).

However, Chapman does not expressly disclose that the received orders are line item orders for an individual customer requested product for purchase.

Both Chapman and Powell disclose systems for improving scheduling in manufacturing systems where demands have time varying elements. Powell discloses scheduling an order and, using data stored in the system, comparing a completion and a requested completion date. Chapman discloses arranging the data of the system into arrays and then manipulating this data to schedule demand fulfillment in a manufacturing process. It would have been obvious to one of ordinary skill in the art at the time of the invention to use arrays to store and manipulate the data of Powell in order to more efficiently allocate and schedule resources by arranging the data using means that allow quicker evaluation of the data. See Chapman, column 2, lines 45-65 and column 5, lines 29-40.

Further, as discussed above, Powell discloses scheduling an order. It is old and well known in the art that orders that are manufactured based on requests from individual customers who require such items. Therefore, it would have been obvious to one of ordinary skill in the art

at the time of the invention to include that the orders are received from individual customers in order to more efficiently allocate resources to meet the demand of the customers in the market.

Claims 22-23, 25-27, 30, and 32-33 recite equivalent limitations to claims 4-5, 7-9, 12, and 15-16, respectively, and are therefore rejected using the same art and rationale as set forth above.

As per claim 28, Powell discloses a display for displaying the customer service measurement of different schedules to determine the customer service impact of schedule changes (See column 2, lines 1-6, column 4, lines 20-32, column 5, lines 30-42, column 8, lines 15-25, wherein changes to the schedule are evaluated and displayed).

As per claim 29, Powell teaches a display for displaying a customer service measurement based on the customer service measurement for each item order (See column 2, lines 55-column 3, line 10 and lines 60-67, and column 4, lines 1-15, wherein the customer service measurement is displayed. See also tables 1-2).

However, neither Powell nor Chapman expressly disclose a first customer.

Powell discloses receiving and scheduling an order for manufacture. It is old and well known in the art that orders that are manufactured based on requests from individual customers who require such items. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include that the orders are received from individual customers in order to more efficiently allocate resources to meet the demand of the customers in the market.

10. Claims 5, 23, and 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell (U.S. 6,195,590) in view of Kleinfeld (*Engineering Economics*).

As per claims 5, 23, and 42, Powell discloses deriving a customer service measurement for each item order comprising the time difference between the requested completion date and a scheduled completion date (See column 2, lines 17-35 and line 65-column 3, line 20 and lines 60-67, wherein the delta value is the actual date minus the required or requested date (i.e. the difference of the dates)). However, Powell does not expressly disclose that the customer service measurement includes the amount of time difference between the requested completion date and a scheduled completion date multiplied by the value of the line item order and multiplied by a predetermined interest rate.

Kleinfeld discloses the calculation of a value based on the time differences multiplied by the value of the line item order and multiplied by a predetermined interest rate (See pages 34, section 1, page 35, and page 36, wherein a financial values is multiplied by an interest or discount rate based on the interval of time).

Powell discloses a system for improving scheduling in manufacturing systems where demands have time varying elements. Powell discloses scheduling an order and, using data stored in the system, comparing a completion and a requested completion date. Kleinfeld discloses valuation using interest rates and timeframes. It would have been obvious to one of ordinary skill in the art at the time of the invention to use this valuation technique in the system Powell in order to more efficient valuing and guidance with respect to decision making and management. See Kleinfeld, pages 33-4.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is 571-272-6737. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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December 4, 2007

Beth Van Doren
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PRIMARY EXAMINER